IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:08cv4

DAVID KEITH DUHL,	
Plaintiff,	
Vs.	JUDGMENT
MICHAEL J. ASTRUE, Commissioner of Social Security,	
Defendant.))

THIS MATTER having come before the court on plaintiff's Motion for Summary Judgment and the Commissioner's Motion for Summary Judgment, and the court having determined that summary judgment should be granted for plaintiff and denied as to the Commissioner,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that plaintiff's Motion for Summary Judgment (#11) is **GRANTED**, the Commissioner's Motion for Summary Judgment (#15) is **DENIED**, and this matter is **REMANDED** to the Commissioner for purposes of conducting a new hearing pursuant to the fourth sentence of 42, United States Code, Section 405(g), in a manner not inconsistent with the Memorandum of Decision filed simultaneously herewith.

Signed: December 28, 2008

Dennis L. Howell United States Magistrate Judge